

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

James & Alice Robenolt,

Debtor(s)

Chapter 13

Case No. Case No. 10-21000

ORDER ALLOWING AND DISALLOWING CLAIMS
AND MODIFYING PLAN

This matter came before the Court on the motion filed by the Debtor or Debtors (hereafter, the "Debtor"). After notice and hearing or opportunity for hearing, and for good cause shown, it is hereby ORDERED:

I. **ALLOWANCE OF CLAIMS.** The following claims are allowed pursuant to 11 U.S.C. § 502 as follows.

A. **Administrative Expense Claims.** The trustee's fees as provided by 28 U.S.C. § 586 shall be paid concurrently with distribution on other claims. Other administrative expense claims are allowed as follows, and the confirmed plan is modified only as necessary to provide for such claims.

1. Trustee statutory fee (calculated at 10% of plan total):	\$8,989.50
2. Total Debtor's attorney fees and expenses allowed to date through plan:	\$1,849.00
3. Administrative expense reserve:	\$1,999.91
4. Other:	\$0.00

B. **Secured Claims Paid Directly By Debtor or Third Parties.** The following secured claims shall be paid directly by the Debtor or a third party pursuant to the existing contract(s). The lien securing each such claim shall not be impaired. Each claim to be paid by the Debtor shall not be discharged pursuant to 11 U.S.C. § 1328 unless (i) the Debtor surrenders the collateral during the term of the plan, (ii) the Court orders the return of the collateral to the creditor, or (iii) the Court grants relief from the automatic stay authorizing the creditor to enforce its state-law interests against the collateral. If any portion of such secured claim has been or shall be paid by the trustee (e.g., to cure prepetition arrears), then such portion is allowed elsewhere in this order.

Claim #	Creditor Name	Collateral	Details
	(None)		

C. **Secured Claims Paid By Trustee From Debtor's Funds.** The following secured claims are hereby allowed and have been or shall be paid by the trustee from funds paid by the Debtor. Treatment of such claims is set forth in the confirmed plan, which is hereby modified only as necessary to provide for payment by the trustee as set forth below for each secured creditor.

Plan Mo. 1 = July 2010

Claim #	Creditor Name	Allowed Amount	Interest Amount & Rate	Total Payments	Payment Schedule	
5	Santander Consumer USA	\$33,812.70	\$5,115.16	\$38,927.86	Mos. 1-56	\$685.00
.	Collateral: 2007 Honda Ridgeline		6.00%		Mo. 57	\$567.86
10	Litton Loan Servicing LP	\$763.14	\$0.00	\$763.14	Pro rata starting:	Mo. 1
.	Collateral: Residence		0.00%			
12	Pt. Loma Credit Union	\$11,257.00	\$603.30	\$11,860.30	Mos. 1-20	\$590.14
.	Collateral: 2005 Honda Accord		6.00%		Mo. 21	\$57.50
16	HSBC (Best Buy)	\$500.00	\$22.01	\$522.01	Pro rata starting:	Mo. 1

	Collateral: Personal Property		6.00%			
18	Rosarito Beach Hotel Resort Suites	\$2,768.14	\$121.92	\$2,890.06	Pro rata starting:	Mo. 1
	Collateral: Timeshare		6.00%			
TOTALS:		\$49,100.98	\$5,862.39	\$54,963.37		

D. Cure of Executory Contracts and Unexpired Leases. Monetary defaults on the following executory contracts and unexpired leases will be cured as follows by payments by the trustee from funds paid by the Debtor. The confirmed plan is modified only as necessary to provide for payment by the trustee as set forth below to cure each executory contract and/or unexpired lease.

Claim #	Creditor Name	Claim Description	Allowed Claim	Interest	Interest Rate	Total Payments
NA	None	NA	\$0.00	\$0.00	0.00%	\$0.00
TOTALS:			\$0.00	\$0.00		\$0.00

E. Priority Claims. The following priority unsecured claims shall be paid as follows by the trustee from funds paid by the Debtor. Treatment of such claims is set forth in the confirmed plan, which is hereby modified only as necessary to provide for payment by the trustee as set forth below for each priority creditor.

Claim #	Creditor Name	Claim Description	Allowed Claim	Interest	Interest Rate	Total Payments
11	Internal Revenue Service	Income Taxes	\$4,896.00	\$0.00	0.00%	\$4,896.00
TOTALS:			\$4,896.00	\$0.00		\$4,896.00

F. General Unsecured Claims. The following unsecured claims not entitled to priority status are hereby allowed. Treatment of such claims, including provisions for Small Claims and other classes of general unsecured claims, is set forth in the confirmed plan, which is hereby modified as set forth below. The trustee shall pay such claims accordingly.

Special Classes: All special classes, if any, are noted below and shall be paid in full by the trustee.

The sum of at least \$17,197.22 shall be available for payment to allowed Class One and Class Two (Small) Claims, plus any unused portion of the administrative expense reserve.

Claim #	Creditor Name	Allowed Claim
1	Discover Bank	\$8,403.30
2	Citifinancial Auto Corporation	\$9,182.53
3	Merrick Bank	\$1,066.67
4	Dell Financial Services LLC	\$2,487.84
5	Merrick Bank	\$1,375.11
7	Sprint Nextel Corporation	\$846.22
8	HSBC Bank Nevada	\$242.30
9	HSBC Bank Nevada	\$839.64
11	Internal Revenue Service	\$920.00

13	PRA Receivables Management (Sam's Club)	\$557.08
14	Candica LLC (Capital One)	\$527.02
15	Cash America	\$315.00
16	HSBC (Best Buy)	\$255.99
17	American Express	\$3,365.83
TOTAL:		\$30,384.53

II. RESOLUTION OF OBJECTIONS TO CLAIMS. The Debtor's objections to claims, if any, are resolved as follows:

Claim #	Creditor Name	Disposition
	(None)	

III. MODIFICATION OF CONFIRMED PLAN. The Debtor's plan is hereby modified pursuant to 11 U.S.C. § 1329 and the prior order confirming the plan is hereby amended as follows:

The Debtor shall pay the trustee as follows:

- \$1,952.00 per month starting July 2010 for 27 months (mos. 1-27); and
- \$1,127.00 per month starting October 2012 for 33 months (mos. 28-60).

In addition, the Debtor shall pay the trustee:

- The Debtors shall notify the Trustee within 14 days if Mr. Robenolt does not retire in September of 2012

The plan shall be 60 months long. The total to be paid to the trustee is \$89,895.00 (the base plan).

The Debtor shall also pay the trustee as additional plan contributions all state and federal tax refunds in excess of \$1,200.00 per year, per debtor. Total excess tax refunds due to the plan to date is \$4,579.00. The sum of the base plan and the excess tax refunds is \$94,474.00.

If the plan was confirmed on an interim basis, final confirmation of the plan, as modified, is hereby granted.

IV. SUMMARY.

		Percent of Plan	
A.	Total Funds to Trustee (Base Plan):	\$89,895.00	100.00%
B.	Disbursements:		
1.	Trustee Statutory Fee:	\$8,989.50	10.00%
2.	Atty. Fees & Expenses Allowed Through Plan:	\$1,849.00	2.06%
3.	Administrative Reserve:	\$1,999.91	2.22%
4.	Other Administrative Expenses:	\$0.00	0.00%
5.	Secured Claims and Interest:	\$54,963.37	61.14%
6.	Priority Claims:	\$4,896.00	5.45%
7.	Gen. Unsecured Claims: Classes One & Two	\$17,197.22	19.13%
8.	Gen. Unsecured Claims: Special Classes	\$0.00	0.00%
C.	TOTAL Disbursements (Base Plan):	\$89,895.00	100.00%
D.	Excess Tax Refunds (To Date):	\$4,579.00	
E.	TOTAL Plan (Base + Tax Refunds):	\$94,474.00	

V. OTHER. (None)

Date: _ September 28, 2011

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/s/ James B. Haines, Jr.

Judge, United States Bankruptcy Court
District of Maine